

FORM PTO-1449

FOURTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0942.285000G/RWE/BJD/JKM

APPLICATION NO.
09/855,797

APPLICANT(S)
Hartley *et al.*

FILING DATE
May 16, 2001

ART UNIT
1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE4	2002/0182731	12/05/2002	Ji <i>et al.</i>			01/25/2002
	AF4	2003/0027289	02/06/2003	Farmer			04/05/2002
	AG4	2003/0054555	03/20/2003	Farmer <i>et al.</i>			09/17/2002
	AH4	2003/0059900	03/27/2003	Farmer			01/17/2002
	AI4	2003/0077804	04/24/2003	Byrd <i>et al.</i>			04/19/2002
	AJ4	2003/0153055	08/14/2003	Miles <i>et al.</i>			02/20/2003
	AK4	2003/0176644	09/18/2003	Byrd <i>et al.</i>			02/07/2002

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO9	WO 01/31039	05/03/2001	WIPO			Yes No
	AP9	WO 02/08391	01/31/2002	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>117</u>	Bruckner, R.C., and Cox, M.M., "The Histone-like H Protein of <i>Escherichia coli</i> is a ribosomal protein s3," <i>Nucl. Acids Res.</i> 17:3145-3161, Oxford University Press (1989)
	AT	<u>117</u>	Hartley, J.L., <i>et al.</i> , "DNA Cloning Using In Vitro Site-Specific Recombination," <i>Genome Res.</i> 10:1788-1795, Cold Spring Harbor Laboratory Press (November 2000)

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	AA5	2003/0220249	11/27/2003	Hackett <i>et al.</i>			02/07/2003
	AB5	2004/0053412	03/18/2004	Hartley <i>et al.</i>			03/26/2003
	AC5	2004/0063207	04/01/2004	Hartley <i>et al.</i>			10/08/2003
	AD5	6,720,140	04/13/2004	Hartley <i>et al.</i>			02/04/2000
	AE5	2004/0171156	09/02/2004	Hartley <i>et al.</i>			04/02/2004
	AF5	2004/0171157	09/02/2004	Hartley <i>et al.</i>			04/08/2004
	AG5	2004/0219516	11/04/2004	Bennett <i>et al.</i>			07/18/2003
	AH						
	AI						
	AJ						
	AK						

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL10	WO 02/16594	02/28/2002	WIPO			Yes No
	AM10	WO 02/61034	08/08/2002	WIPO			Yes No
	AN10	WO 03/25161	03/27/2003	WIPO			Yes No
	AO10	WO 03/103600	12/18/2003	WIPO			Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	118	Heyman, J.A., <i>et al.</i> , "Genome-Scale Cloning and Expression of Individual Open Reading Frames Using Topoisomerase I-Mediated Ligation," <i>Genome Res.</i> 9:383-392, Cold Spring Harbor Laboratory Press (April 1999)
	AS	118	Invitrogen Online Catalog, "The Echo™ Cloning System: The Future of Cloning is Here," available at: http://web.archive.org/web/20010112191100/www.invitrogen.com/catalog_project/cat_echo.html (accessed July 7, 2004)
	AT	118	Invitrogen Online Catalog, "The Echo™ Cloning System: The Future of Cloning is Here," available at: http://invitrogen.com/content.cfm?pageid=3371&cfid=16767784&cftoken=62396683 (accessed July 7, 2004)

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	AP						Yes No

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	AR	<u>119</u>	Russell, M., "A recombination-based cloning system that decreases time to protein analysis," <i>Am. Biotechnol. Lab.</i> 18:8,10, International Scientific Communications, Inc. (June 2000)
	AS	<u>119</u>	Sinclair, B., "Honing Your Cloning," <i>The Scientist</i> 14:29-32, The Scientist Inc. (August 21, 2000) available at: http://www.the-scientist.com/yr2000/aug/profile1_000821.html
	AT	<u>119</u>	Office Action for U.S. Patent Application No. 09/907,719, mailed on July 13, 2004

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	AR	<u>120</u>	Office Action for U.S. Patent Application No. 09/432,085, mailed on July 16, 2004
	AS	<u>120</u>	Office Action for U.S. Patent Application No. 10/058,291, mailed on September 22, 2004
	AT	<u>120</u>	Office Action for U.S. Patent Application No. 10/058,292, mailed on September 22, 2004

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	AN						Yes No
	AO						Yes No
	AP						Yes No

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	AR	121	Office Action for U.S. Patent Application No. 09/855,797, mailed on October 1, 2004
	AS	121	Office Action for U.S. Patent Application No. 09/695,065, mailed on October 27, 2004
	AT		

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hartley *et al.*

Appl. No.: 09/855,797

Filed: May 16, 2001

For: **Recombinational Cloning
Using Nucleic Acids Having
Recombination Sites**

Confirmation No.: 2106

Art Unit: 1636

Examiner: Leffers Jr., G.G.

Atty. Docket: 0942.285000G/RWE/BJD/JKM

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **AA20-AG20** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

A copy of document **AS213** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system." A copy of each other document is provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regard to non-English language documents **AL20** and **AM20** cited on Form PTO 1449:

Document **AL20**, French Patent Publication No. FR 2 670 502, is in the French language. Document **AM20**, PCT Patent Publication No. WO 92/10577, is in the French language. An unverified English language abstract of documents **AL20** and **AM20** is attached as document **AT213**.

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 11/000,371, Chesnut *et al.*, filed December 1, 2004 and cited herewith as document **AS213**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Hartley *et al.*
Appl. No. 09/855,797

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

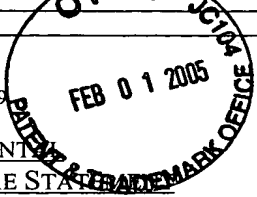
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

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Page 1 of 16



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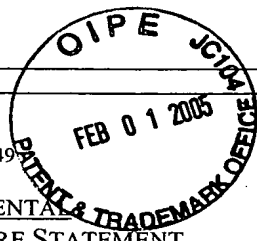
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA20	4,808,537	02/28/1989	Stroman <i>et al.</i>			10/30/1984
	AB20	4,855,231	08/08/1989	Stroman <i>et al.</i>			09/25/1985
	AC20	4,959,217	09/25/1990	Sanders <i>et al.</i>			05/22/1986
	AD20	5,451,513	09/19/1995	Maliga <i>et al.</i>			08/25/1993
	AE20	5,654,182	08/05/1997	Wahl <i>et al.</i>			06/07/1995
	AF20	2002/0106797	08/08/2002	Miles <i>et al.</i>			03/12/2001
	AG20	2004/0040053	02/26/2004	Nomura <i>et al.</i>			11/22/2002
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL20	FR 2 670 502	06/16/1992	France			Yes X No
	AM20	WO 92/10577	06/25/1992	WIPO			Yes X No
	AN20	WO 94/20604	09/15/1994	WIPO			Yes No
	AO20	WO 96/19497	06/27/1996	WIPO			Yes No
	AP20	WO 00/29000	05/25/2000	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>200</u>	Agah, R., <i>et al.</i> , "Gene Recombination in Postmitotic Cells. Targeted Expression of Cre Recombinase Provokes Cardiac-restricted, Site-specific Rearrangement in Adult Ventricular Muscle In Vivo," <i>J. Clin. Invest.</i> 100:169-179, The American Society for Clinical Investigation, Inc. (July 1997)
	AS	<u>200</u>	Benoist, C. and Chambon, P., " <i>In vivo</i> sequence requirements of the SV40 early promoter region," <i>Nature</i> 290:304-310, Macmillan Journals, Ltd. (1981)
	AT	<u>200</u>	Botstein, D., <i>et al.</i> , "Making Mutations <u>In Vitro</u> and Putting Them Back Into Yeast," in <i>From Gene to Protein: Translation into Biotechnology</i> , Ahmad, F., <i>et al.</i> , eds., Academic Press, New York, NY, pp. 265-274 (1982)

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL21	WO 00/52027	09/08/2000	WIPO			Yes No
	AM21	WO 00/52141	09/08/2000	WIPO			Yes No
	AN21	WO 01/25466	04/12/2001	WIPO			Yes No
	AO21	WO 01/42509	06/14/2001	WIPO			Yes No
	AP21	WO 02/46372	06/13/2002	WIPO			Yes No

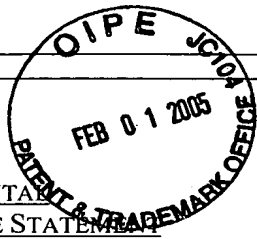
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>201</u>	Broach, J.R., "The Yeast Plasmid 2 μ Circle," <i>Cell</i> 28:203-204, MIT (1982)
	AS	<u>201</u>	Cenatiempo, Y., "Prokaryotic gene expression <i>in vitro</i> : transcription-translation coupled systems," <i>Biochimie</i> 68:505-515, Elsevier (1986)
	AT	<u>201</u>	Christiansen, B., <i>et al.</i> , "A Resolvase-Like Protein Is Required for the Site-Specific Integration of the Temperate Lactococcal Bacteriophage TP901-1," <i>J. Bacteriol.</i> 178:5164-5173, American Society for Microbiology (September 1996)

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	AL22	WO 02/62957	08/15/2002	WIPO			Yes No
	AM22	WO 02/86144	10/31/2002	WIPO			Yes No
	AN22	WO 02/095055	11/28/2002	WIPO			Yes No
	AO22	WO 03/044207	05/30/2003	WIPO			Yes No
	AP22	WO 04/009768	01/29/2004	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>202</u>	Crellin, P.K. and Rood, J.I., "The Resolvase/Invertase Domain of the Site-Specific Recombinase TnpX Is Functional and Recognizes a Target Sequence That Resembles the Junction of the Circular Form of the <i>Clostridium perfringens</i> Transposon Tn4451," <i>J. Bacteriol.</i> 179:5148-5156, American Society for Microbiology (August 1997)
	AS	<u>202</u>	Ferrin, L.J. and Camerini-Otero, R.D., "Sequence-specific ligation of DNA using RecA protein," <i>Proc. Natl. Acad. Sci. USA</i> 95:2152-2157, National Academy of Sciences (March 1998)
	AT	<u>202</u>	Golic, K.G. and Golic, M.M., "Engineering the <i>Drosophila</i> Genome: Chromosome Rearrangements by Design," <i>Genetics</i> 144:1693-1711, The Genetics Society of America (1996)

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	AL23	WO 04/013290	02/12/2004	WIPO			Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>203</u>	Gottesman, S., "Bacterial Regulation: Global Regulatory Networks," <i>Ann. Rev. Genet.</i> 18:415-441, Annual Reviews, Inc. (1984)
	AS	<u>203</u>	Guo, F., <i>et al.</i> , "Structure of Cre recombinase complexed with DNA in a site-specific recombination synapse," <i>Nature</i> 389:40-46, Nature Publishing Group (September 1997)
	AT	<u>203</u>	Hallet, B. and Sherratt, D.J., "Transposition and site-specific recombination: adapting DNA cut-and-paste mechanisms to a variety of genetic rearrangements," <i>FEMS Microbiol. Rev.</i> 21:157-178, Elsevier Science B.V. (September 1997)

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	AR	<u>204</u>	Hamer, D.H. and Walling, M., "Regulation <i>In Vivo</i> of a Cloned Mammalian Gene: Cadmium Induces the Transcription of a Mouse Metallothionein Gene in SV40 Vectors," <i>J. Mol. Appl. Genet.</i> 1:273-288, Raven Press (1982)
	AS	<u>204</u>	Hanks, S.K. and Hunter, T., "The eukaryotic protein kinase superfamily: kinase (catalytic) domain structure and classification," <i>FASEB J.</i> 9:576-596, The Federation of American Societies for Experimental Biology (May 1995)
	AT	<u>204</u>	Huang, L-C., <i>et al.</i> , "Convenient and Reversible Site-Specific Targeting of Exogenous DNA into a Bacterial Chromosome by Use of the FLP Recombinase: the FLIRT System," <i>J. Bacteriol.</i> 179:6076-6083, American Society for Microbiology (October 1997)

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>205</u>	John, Jr., J.F. and Twitty, J.A., "Plasmids as Epidemiologic Markers in Nosocomial Gram-Negative Bacilli: Experience at a University and Review of the Literature," <i>Rev. Infect. Dis.</i> 8:693-704, University of Chicago (1986)
AS	<u>205</u>	Johnston, S.A. and Hopper, J.E., "Isolation of the yeast regulatory gene <i>GAL4</i> and analysis of its dosage effects on the galactose/melibiose regulon," <i>Proc. Natl. Acad. Sci. USA</i> 79:6971-6975, National Academy of Sciences (1982)
AT	<u>205</u>	Kendall, K.J. and Cohen, S.N., "Plasmid Transfer in <i>Streptomyces lividans</i> : Identification of a <i>kil-kor</i> System Associated with the Transfer Region of pIJ101," <i>J. Bacteriol.</i> 169:4177-4183, American Society for Microbiology (1987)

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FORM PTO-1449

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INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
0942.285000G/RWE/BJD/JKMAPPLICATION NO.
09/855,797APPLICANT(S)
Hartley *et al.*FILING DATE
May 16, 2001ART UNIT
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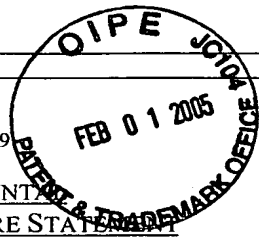
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>206</u>	Lyznik, L.A., <i>et al.</i> , "Activity of yeast FLP recombinase in maize and rice protoplasts," <i>Nucleic Acids Res.</i> 21:969-975, Oxford University Press (1993)
	AS	<u>206</u>	Maniatis, T., "Recombinant DNA Procedures in the Study of Eukaryotic Genes," in <i>Cell Biology: A Comprehensive Treatise, Volume 3, Gene Expression: The Production of RNA's</i> , Goldstein, L., and Prescott, D.M., eds., Academic Press, Inc., New York, NY, pp. 563-608 (1980)
	AT	<u>206</u>	Mayer, B.J. and Baltimore, D., "Signalling through SH2 and SH3 domains," <i>Trends Cell Biol.</i> 3:8-13, Elsevier Science (1993)

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>207</u>	McKnight, S.L., "Functional Relationships between Transcriptional Control Signals of the Thymidine Kinase Gene of Herpes Simplex Virus," <i>Cell</i> 31:355-365, MIT (1982)
	AS	<u>207</u>	Nunes-Düby, S.E., <i>et al.</i> , " λ Integrase cleaves DNA <i>in cis</i> ," <i>EMBO J.</i> 13:4421-4430, Oxford University Press (1994)
	AT	<u>207</u>	Odell, J., <i>et al.</i> , "Site-directed recombination in the genome of transgenic tobacco," <i>Mol. Gen. Genet.</i> 223:369-378, Springer-Verlag (1990)

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>208</u>	Peterson, B.Ø. and Shuman, S., "Hisitidine 265 Is Important for Covalent Catalysis by Vaccinia Topoisomerase and Is Conserved in All Eukaryotic Type I Enzymes," <i>J. Biol. Chem.</i> 272:3891-3896, The American Society for Biochemistry and Molecular Biology, Inc. (February 1997)
AS	<u>208</u>	Rausch, H. and Lehmann, M., "Structural analysis of the actinophage ΦC31 attachment site," <i>Nucleic Acids Res.</i> 19:5187-5189, IRL Press (1991)
AT	<u>208</u>	Sadowski, I., <i>et al.</i> , "A Noncatalytic Domain Conserved among Cytoplasmic Protein-Tyrosine Kinases Modifies the Kinase Function and Transforming Activity of Fujinami Sarcoma Virus P130 ^{gag-fps} ," <i>Mol. Cell. Biol.</i> 6:4396-4408, American Society for Microbiology (1986)

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>209</u>	Sauer, B. and Henderson, N., "Targeted Insertion of Exogenous DNA into the Eukaryotic Genome by the Cre Recombinase," <i>New Biol.</i> 2:441-449, Saunders Scientific Publications/W.B. Saunders Company (1990)
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	AT	<u>209</u>	Shaikh, A.C. and Sadowski, P.D., "The Cre Recombinase Cleaves the <i>lox</i> Site in <i>trans</i> ," <i>J. Biol. Chem.</i> 272:5695-5702, The American Society for Biochemistry and Molecular Biology, Inc. (February 1997)

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AR	<u>210</u>	Shirai, M., <i>et al.</i> , "Site-Specific Integration of the Actinophage R4 Genome into the Chromosome of <i>Streptomyces parvulus</i> upon Lysogenization," <i>J. Bacteriol.</i> 173:4237-4239, American Society for Microbiology (1991)
AS	<u>210</u>	Shuman, S., <i>et al.</i> , "Characterization of Vaccinia Virus DNA Topoisomerase I Expressed in <i>Escherichia coli</i> ," <i>J. Biol. Chem.</i> 263:16401-16407, The American Society for Biochemistry and Molecular Biology, Inc. (1988)
AT	<u>210</u>	Shuman, S., "Site-specific Interaction of Vaccinia Virus Topoisomerase I with Duplex DNA. Minimal DNA Substrate for Strand Cleavage <i>In Vitro</i> ," <i>J. Biol. Chem.</i> 266:11372-11379, The American Society for Biochemistry and Molecular Biology, Inc. (1991)

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>211</u>	Shuman, S., "Erratum: Site-specific Interaction of Vaccinia Virus Topoisomerase I with Duplex DNA. Minimal DNA Substrate for Strand Cleavage <i>In Vitro</i> ," <i>J. Biol. Chem.</i> 266:20576-20577, The American Society for Biochemistry and Molecular Biology, Inc. (1991)
	AS	<u>211</u>	Silver, P.A., <i>et al.</i> , "Amino terminus of the yeast <i>GAL4</i> gene product is sufficient for nuclear localization," <i>Proc. Natl. Acad. Sci. USA</i> 81:5951-5955, National Academy of Sciences (1984)
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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>212</u>	Ulmanen, I., <i>et al.</i> , "Transcription and Translation of Foreign Genes in <i>Bacillus subtilis</i> by the Aid of a Secretion Vector," <i>J. Bacteriol.</i> 162:176-182, American Society for Microbiology (1985)
	AS	<u>212</u>	van Deursen, J., <i>et al.</i> , "Cre-mediated site-specific translocation between nonhomologous mouse chromosomes," <i>Proc. Natl. Acad. Sci. USA</i> 92:7376-7380, National Academy of Sciences (1995)
	AT	<u>212</u>	Ward, J.M., <i>et al.</i> , "Construction and characterisation of a series of multi-copy promoter-probe plasmid vectors for <i>Streptomyces</i> using the aminoglycoside phosphotransferase gene from Tn5 as indicator," <i>Mol. Gen. Genet.</i> 203:468-478, Springer-Verlag (1986)

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	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>213</u>	Invitrogen Life Technologies online catalog, "Directional TOPO Entry Vectors," 4 pages, accessed September 27, 2002, available at: http://www.invitrogen.com/content.cfm?pageid=3799&cfid=2897960&cftoken=88086554
	AS	<u>213</u>	U.S. Patent Application No. 11/000,371, Chesnut <i>et al.</i> , filed December 1, 2004 (NOT PUBLISHED)
	AT	<u>213</u>	Dialog File 351, Derwent World Patent Index, unverified English Language Abstract for French Patent No. FR 2 670 502 (Document AL20) and PCT Patent No. WO 92/10577 (Document AM20), WPI Accession No. 9107201

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	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>214</u>	Office Action for U.S. Patent Application No. 10/820,133 mailed on November 17, 2004
	AS	<u>214</u>	Office Action for U.S. Patent Application No. 09/907,719 mailed on December 28, 2004
	AT	<u>214</u>	Office Action for U.S. Patent Application No. 09/432,085, mailed on December 28, 2004

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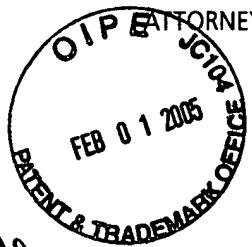
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>215</u>	Office Action for U.S. Patent Application No. 10/796,868 mailed on January 25, 2005
	AS	<u>215</u>	Baum, J.A. "Tn5401, a New Class II Transposable Element From <i>Bacillus Thuringiensis</i> ," <i>J. Bacteriology</i> 176:2835-2845, American Society for Microbiology (1994)
	AT		

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*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

February 1, 2005

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BRIAND@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Re: U.S. Utility Patent Application
Appl. No. 09/855,797; Filed: May 16, 2001
For: **Recombinational Cloning Using Nucleic Acids Having
Recombination Sites**
Inventors: HARTLEY *et al.*
Our Ref: 0942.285000G/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Fee Transmittal Form (PTO/SB/17);
2. PTO-2038 Credit Card Payment Form in the amount of \$300.00 to cover:
\$120.00 One (1) month extension of time fee;
\$180.00 Information Disclosure Statement filing fee;
3. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
4. Amendment and Reply Under 37 C.F.R. § 1.111;
5. Fourth Supplemental Information Disclosure Statement;
6. List of cited references on Form PTO-1449 (5 sheets);
7. Copies of references **AO9-AP9, AS117-AT117, AL10-AO10 and AR118-AS121** listed on Form PTO-1449 (19 documents);
8. Fifth Supplemental Information Disclosure Statement;
9. List of cited references on Form PTO-1449 (16 sheets);

10. Copies of references **AL20-AP20, AR200-AT200, AL21-AP21, AR201-AT201, AL22-AP22, AR202-AT202, AL23, AR203-AR213, AT213-AT214 and AR215-AS215** listed on Form PTO-1449 (62 documents); and
11. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

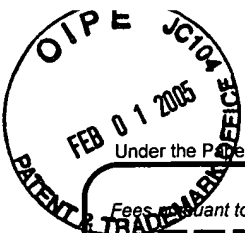
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/JKM:bac
Enclosures

359469_1.DOC



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 300.00

Complete if Known

Application Number 09/855,797
Filing Date May 16, 2001
First Named Inventor James L. HARTLEY
Examiner Name Leffers Jr., G.
Art Unit 1636
Attorney Docket No. 0942.285000G/RWE/BJD/JKM

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x _____ = _____ Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = _____ x _____ = _____ Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = _____ Extra Sheets / 50 = _____ (round up to a whole number) x _____ = _____ Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement filing fee; One month extension of time

Fees Paid (\$)

300.00

SUBMITTED BY

Signature Registration No. (Attorney/Agent) 42,473 Telephone (202) 371-2600
Name (Print/Type) Brian J. Del Buono Date February 1, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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